The Trump administration has issued a series of policies and proposals to attack our immigration system, lowering the number of immigrants and refugees welcomed into the U.S., deporting as many people as possible and preventing others from naturalizing. Many of the administrative changes have made U.S. Citizenship and Immigration Services (USCIS) an active component of Trump’s immigration enforcement apparatus, issuing policy after policy that separate families and make it harder for immigrants to obtain benefits and relief. In addition to establishing a denaturalization task force, compromising due process for applicants for immigration benefits, and cutting off paths to safety for victims of domestic violence and gang violence, these changes have created an atmosphere of mistrust across agencies that is terrifying immigrants from interacting with their government.

**Policies Attacking Family-based Immigration, Visas & Refugees**

"Public charge" is the term used by immigration officials to refer to people who rely on government assistance to primarily support their cost of day-to-day living. If the government considers someone to be a “public charge” that person could be denied a green card or immigrant and nonimmigrant visas to enter the U.S. Under current law, officials look at a variety of factors in deciding whether a person is likely to become a public charge, but the only public benefits that they consider are cash assistance programs, such as Temporary Assistance for Needy Families, and long-term nursing home care paid for by the government. Since 1997, consular officials have accepted the sponsor’s affidavit of support as the primary -and often the only- form of evidence necessary to satisfy the public charge test (by establishing that the immigrant visa applicant is not likely to become a public charge).

**DHS New Proposed Public Charge Test**

The Department of Homeland Security (DHS) has published a new proposed public charge rule, making the test stricter. The agency proposes to add some health, nutrition and housing programs to the list of benefits considered under the rule. These include:
In addition to whether someone is currently using public benefits, the rule weighs factors such as:

- age
- income
- health conditions
- English language proficiency

much more heavily than in the past. This is likely to mean that older or disabled family members will be denied green cards as well as low-wage workers and people with chronic illnesses.

**The State Department’s Changes to the Foreign Affairs Manual (In effect)**

Additionally, the State Department issued new public charge guidance in January 2018 in the Foreign Affairs Manual (FAM) adding tougher requirements for people applying for lawful permanent residence from outside the United States. The new guidance* diminishes the role of the affidavit of support in public charge determinations and has led to an increasing number of visa denials based on public charge at consulates abroad.

* https://fam.state.gov/fam/09FAM/09FAM030208.html#M302_B

**The Muslim Ban & Extreme Vetting Policies**

The Muslim bans are a series of discriminatory executive orders and proclamations issued by the Trump administration. President Trump signed the first version on January 27, 2017, and significant portions of the ban, as well as later versions of it, were immediately blocked by federal courts, which found each iteration to be blatantly anti-Muslim, unconstitutional, and an abuse of the President’s power. The U.S. Supreme Court opinion issued on June 26, 2018, allowed the third iteration of the ban to remain in place permanently. Because of the devastating impact of this decision that separates American families and endangers vulnerable populations and its blatant Islamophobia, we continue to oppose the Muslim ban.

On May 23, 2017, the Office of Management and Budget approved the discretionary use of “extreme vetting” forms, including inquiries into social media accounts and extensive biographical and travel information from the last 15 years. Consular officers give these forms to anyone applying for a visa whom they determine may pose a “threat to national security” (an undefined standard). We know that these forms are given predominantly to nationals of Muslim-majority countries. Impacts of the policy include:
The Refugee Ban & Reduction in Refugees

On October 4, 2018, President Trump signed a Presidential Determination setting the refugee admissions goal for Fiscal Year 2019 to 30,000 -- the lowest number in the history of the program. This follows a series of refugee bans that began in January 2017 and unnecessary processing slowdowns that have further dismantled the resettlement program. In addition, the U.S. resettled only about 22,000 refugees in FY18, despite FY18's refugee admissions goal of 45,000 (the then-lowest goal in history).

Each year, the State Department contracts with the nine national refugee resettlement agencies (RAs), called “Reception and Placement” (R&P) contracts, based on the RAs plans to serve refugees in the upcoming fiscal year. The State Department has indicated that not all nine RAs will receive R&P contracts to resettle refugees in Fiscal Year 2019. This will slash resettlement capacity across the country, leaving newcomers without critical supports to integrate and thrive.

The Administration is Stripping Protections from Immigrants

Termination of the DACA Program

On September 5, 2017, DHS issued a memo terminating the Deferred Action for Childhood Arrivals program. The agency stopped accepting new applications that day and intended to stop receiving renewal applications the following month. However, a federal court ordered the government to continue to process renewal applications pending the resolution of the lawsuit. The future of the program remains uncertain.

DHS Announced Terminations of Most Temporary Protected Status Programs

DHS has the authority to grant and terminate temporary protected status (TPS) to people of certain nationalities if returning to their country would place them at risk or if it would be hard for the country to absorb them. TPS grants a reprieve from deportation* along with work authorization and is granted for 6, 12, or 18-month increments.

<table>
<thead>
<tr>
<th>Number of refugees resettled in FY18</th>
<th>FY18 refugee admissions goal</th>
<th>FY19 refugee admissions goal</th>
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<tbody>
<tr>
<td>22,000</td>
<td>45,000</td>
<td>30,000</td>
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The Trump Administration has been serially terminating most TPS designations usually allowing recipients 6, 12, or 18 months before they lose their status, putting them at risk for deportation. Future TPS termination dates have been announced for the following countries: El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan, affecting hundreds of thousands of people.

https://www.americanimmigrationcouncil.org/research/temporary-protected-status-overview

ATTACKS ON NATURALIZATION

Naturalization Delays

The backlog of pending naturalization applications has skyrocketed with processing rates reaching as high as 20 months*. While the administration blames bureaucracy as the cause of these delays, it is imperative to consider them in the context of Trump’s anti-immigrant, pro-voter suppression agenda, which seeks to empower white supremacy and severely curtail immigration to the U.S.

https://drive.google.com/file/d/0B82AwIa7WIa_RmtxM3BUZEt0cV9vdVdwVUB5U2hwbHd1QmVj/view

Denaturalization Task Force

The administration has created a “denaturalization task force” to strip away citizenship from thousands of U.S. citizens. In the past, those targeted for denaturalization were often Nazis and human rights violators.* Now, the administration is attempting to strip citizenship from individuals based upon old removal orders, discrepancies in applications, and allegations of crimes that they were not even charged with at the time of their naturalization. All U.S. citizens should be treated the same when they are accused of crimes. Naturalized Americans should not be treated as second-class citizens and threatened with revocation of citizenship.

https://www.aclu.org/fact-sheet/trump-administrations-plan-strip-citizenship-thousands-americans

TURNING U.S. CITIZENSHIP & NATURALIZATION SERVICES INTO AN ENFORCEMENT AGENCY
USCIS is Calling ICE When Applicants Appear for Immigration Interviews

Reports across the country\(^*\) indicate that since the advent of the Trump administration, USCIS has been increasingly calling Immigration and Customs Enforcement (ICE) when applicants appear for immigration interviews, including those for green cards. This practice is emblematic of USCIS’s transformation into an enforcement agency, causing anxiety and heartache for people going through the process of obtaining immigration benefits to which they are entitled.


Stricter Guidance on Application Denials

On July 13, 2018, USCIS instructed\(^*\) adjudicators to stop issuing a Request for Evidence (RFE) or Notice of Intent to Deny (NOID), giving applicants the opportunity to correct their applications or provide more information, and instead immediately denying incomplete applications. USCIS officers are now granted full discretion to deny applications or petitions for an immigration benefit -- without having to request that the petitioner provide additional evidence supporting their case. This instruction would impact individuals, families, or employers who are applying for immigration benefits - including citizenship, green cards, and family – and employment-based visa petitions. This could include petitions by U.S. citizens for spouses and minor children or U.S. employers.

For many years, USCIS has been using RFEs and NOIDs for cost and resource efficiencies for both the government and the applicant and to ensure due process. It gives the applicant the opportunity to correct an application error caused either by the government or the applicant without having to go through an entire re-application with a new fee. With this new memo, adjudicators are authorized to outright deny applications for even simple errors, curtailing due process and creating inefficiencies for the government and the applicant, who will be forced to reapply with a new fee or request a motion to reopen due to USCIS error, which is costly for USCIS.

[https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/AFM_10_Standards_for_RFEs_and_NOIDs_FINAL2.pdf](https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/AFM_10_Standards_for_RFEs_and_NOIDs_FINAL2.pdf)

USCIS will Refer More People for Deportations

On July 5, 2018, USCIS published new guidance\(^*\), dated June 28, 2018, regarding the issuance of Notices to Appear (NTA). An NTA is a charging document that is issued to foreign nationals who are deemed “removable” from the United States. People who receive NTAs must appear before an immigration judge to determine whether they should be removed from the United States (which carries significant penalties), or whether they are entitled to some type of relief from removal, allowing them to remain in the United States legally.
In the past, immigration agencies used prosecutorial discretion when deciding under what circumstances to issue NTAs. Past leaders of USCIS have issued memos against the practice of widespread NTA issuance, noting it was:

<table>
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<th>impractical</th>
<th>would divert scarce resources</th>
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</thead>
<tbody>
<tr>
<td>create longer wait times</td>
<td>clog the immigration courts</td>
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These changes will undoubtedly have a chilling effect on individuals who may be lawfully and legally entitled to immigration benefits but who will forego applying out of fear and will remain in the shadows.

It is anticipated that this latest policy will result in thousands of more people being put into proceedings unnecessarily, including people who have lived and worked lawfully in the country for years, who have complied with immigration law.


**INCREASED IMMIGRATION ENFORCEMENT THROUGH THE IMMIGRATION COURTS**

**Sessions is Single-Handedly Rewriting Immigration Case Law**

Since assuming his role as Attorney General, Sessions has plucked a significant number of immigration cases from the immigration courts and rewritten them in order to make it harder for immigrants to obtain immigration relief. One of the cases he has rewritten, Matter of A-B, significantly narrows the ability of people to seek asylum based on domestic violence or gang-based violence. USCIS recently issued a policy memorandum* implementing this opinion.


**Sessions is Pressuring Immigration Courts to Strip Due Process from Immigrants**

The Executive Office of Immigration Review has announced new case completion quotas and pressured judges not to issue continuances, which are most often requested so that an immigrant can obtain a lawyer. For more information, please see the American Immigration Lawyers Association’s* resources on the immigration courts.
H-4 visas are issued to spouses (mostly women) and dependent children of H-1B visa holders, who are workers employed in higher-skilled occupations requiring at least a bachelor’s degree. Since 1997, more than 1.7 million individuals have received H-4 visas. Approximately 136,000 individuals received H-4 status in FY 2017. According to the State Department, the overwhelming majority of these individuals are of South Asian descent; specifically, in FY 2017, approximately 86% of those who received H-4 visa status were from South Asian countries. In 2015, the Obama administration published a rule giving H-4 visa holders the ability to work, enhance their skills, contribute to their communities, and achieve financial self-sufficiency. Rescinding this rule will turn back the clock on these important gains and will affect the livelihoods and quality of life of hundreds of thousands of women.

The administration has separated and sought to incarcerate families seeking protection at the U.S. border. President Trump has issued a series of proposals that would indefinitely hold immigrant children in government custody, expand family detention for immigrant families, and roll back already-minimal standards of protection for asylum seekers, children, and other vulnerable families. The administration is undermining real solutions to family separation while continuing to violate the rights of individuals seeking protection. Children and families should be free from detention and instead with family and loved ones who can care for them. We continue to affirm that asylum seekers have the legal right to seek protection from persecution and violence under U.S. and international law and should not be detained for seeking refuge.

The Value Our Families Campaign exists to protect, preserve, and strengthen the family immigration system and promote an immigration system that is informed by love, empathy and justice. We are a network of local and national community-based and advocacy organizations who reject attacks and proposed harmful changes to our current family-based immigration system. We also work together to build public support for an immigration system that protects and promotes family unity and contributes to the American social and economic fabric.